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MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

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Before the
Federal Communications Commission
Washington, D.C. 20554
March 22, 2010

In the Matter of
NET911 Act

Initial Information Collection Mandated By the
NET 911 Act of 2008

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PS Docket No. 09-14

Comments from;
Enhanced 911 Program Office
Washington Military Department
Camp Murray, Washington

Washington State is proud of our forward looking 911 programs and welcomed the New and Emerging Technologies 911 Improvement Act of 2008 as a clear indication that Congress was taking a strong interest in the viability of our Nation's universal critical link to emergency response, 911.

In answering your questions derived from provisions of the NET 911 Act it is valuable to establish some background for the Enhanced 911 Program in Washington State. The program was authorized in 1991 with the voter approval of Referendum 42. That act modified existing local taxing authority and established the obligation of counties to assure that Enhanced 911 (E911) dialing was available, established a statewide program to support the counties, and permitted both a local and statewide taxing authority to support the implementation and operation of Enhanced 911. Modifications of the legislation since that time have extended the tax to wireless, implemented requirements for private telephone system integration to the 911 system, and changed the role of the state program to attain efficiencies by acquiring network and database services for all counties. 911 services to Tribal Governments are included in the county obligation to assure E911 dialing. Pertinent statutes and rules concerning controls on the use of the funds can be viewed on the Emergency Management web page at:
http://www.emd.wa.gov/e911/e911_financial_support.shtml under policies and laws.



1. All 39 Counties in Washington State have implemented the maximum 911 fee of 50¢ per month per subscriber for both wireline and wireless services. The State has implemented the maximum statewide fee of 20¢ per month per subscriber for both wireline and wireless services. Both fees are authorized by Revised Code of Washington 82.14B.030ⁱ.
2. Both the state and all counties collect the fees at the maximum permitted with the total receipts for the annual period ending December 31, 2009 being \$20,555,553 for the state fees and \$50,481,165 for the county fees. The State fee is collected by the carriers and is submitted to the Department of Revenue who then deposits it into the state Enhanced 911 account. The carriers remit the local excise tax directly to the counties. The use of the fees is controlled by two mechanisms. The first are the limitations imposed by RCW 82.14B.020 and RCW 82.14B.050 that together permit a fairly broad utilization of the county tax.ⁱⁱ The second limiting factor is the requirements associated with a county receiving assistance from the State E911 Program. A definitive list of permitted uses for the funds has been adopted as Washington Administrative Code with the counties required to spend their local collection on those items before being eligible for state assistance, and with limits on the amount that will be considered for reimbursement for many items.ⁱⁱⁱ The total funding collected from the 911 excise taxes is less than 36% of the total funding required to operate Enhanced 911 in Washington State with remaining support coming from other local government sources.
3. The State E911 Coordinator is given rule making authority to adopt Washington Administrative Codes related to the permitted uses of the State Enhanced 911 funds.^{iv} That position is given the working title of State Enhanced 911 Administrator and resides within the Emergency Management Division of the Military Department. In addition to the rules adopted to govern the use of the funds, there is an extensive annual application and reimbursement process designed to assure that both county and state funds are expended on designated items and within the approved limits to support E911. The primary control document is an annual contract with the county that spells out the detail of the supported items and includes provisions for contract performance with appropriate penalties for non-performance. Counties that do not request state assistance have greater latitude in the use of the locally collected E911 Excise taxes but are still held to the provisions of statute that limits the permitted uses.
4. The counties are given certain latitude in the use of the locally collected 911 funds. However, in order to receive state support they must commit to expenditures in support of 911 equal to the amount that the local tax generate if implemented at the maximum rate.^v The rules promulgated by the state E911 Program for the use of funds before being eligible for state assistance provide definitive control over the use of the funds in all counties. The control process assures that the

statutory intent of the 911 specific taxes collected in Washington State, or equivalent funds, are being expended to support E911.

5. The control process the State E911 Program Office utilizes along with audit controls provided by the Office of the State Auditor have uncovered instances of use of E911 Funds for unauthorized purposes all of which were promptly remedied. During the 2001-02 fiscal years the Legislature modified the purposes for which the State E911 funds could be utilized to include appropriations of \$6 Million to support other activities.
6. The control mechanisms for the expenditure of E911 Excise taxes are quite detailed and are clearly in support of the Legislative intent that the funds be spent as presented to the voters, solely to forward E911 services. The equivalency provisions in the statutes governing the use of the funds give local government some options on how to apply the funding, but make it clear that there is an obligation to support E911 not only to the degree that the tax is collected, but to the total permitted by the taxing authorization.

The answers to your questions were drafted by Bob Oenning, the State E911 Program Administrator who can be reached at 253-512-7011 or via email at b.oenning@emd.wa.gov should you have further questions or need additional information. Mr. Oenning has been the State's primary contact with the Commission for 911 issues for many years and I encourage you to contact him if you have any questions concerning issues related to 911.

Respectfully Submitted via electronic filing March 22, 2010



RCW 82.14B.030

County enhanced 911 excise tax on use of switched access lines and radio access lines authorized — Amount — State enhanced 911 excise tax — Amount. (Contingency, see note following RCW 82.04.530.)

(1) The legislative authority of a county may impose a county enhanced 911 excise tax on the use of switched access lines in an amount not exceeding fifty cents per month for each switched access line. The amount of tax shall be uniform for each switched access line. Each county shall provide notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) The legislative authority of a county may also impose a county enhanced 911 excise tax on the use of radio access lines whose place of primary use is located within the county in an amount not exceeding fifty cents per month for each radio access line. The amount of tax shall be uniform for each radio access line. The county shall provide notice of such tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. Any county imposing this tax shall include in its ordinance a refund mechanism whereby the amount of any tax ordered to be refunded by the judgment of a court of record, or as a result of the resolution of any appeal therefrom, shall be refunded to the radio communications service company or local exchange company that collected the tax, and those companies shall reimburse the subscribers who paid the tax. The ordinance shall further provide that to the extent the subscribers who paid the tax cannot be identified or located, the tax paid by those subscribers shall be returned to the county.

(3) A state enhanced 911 excise tax is imposed on all switched access lines in the state. The amount of tax shall not exceed twenty cents per month for each switched access line. The tax shall be uniform for each switched access line. The tax imposed under this subsection shall be remitted to the department of revenue by local exchange companies on a tax return provided by the department. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540.

(4) A state enhanced 911 excise tax is imposed on all radio access lines whose place of primary use is located within the state in an amount of twenty cents per month for each radio access line. The tax shall be uniform for each radio access line. The tax

imposed under this section shall be remitted to the department of revenue by radio communications service companies, including those companies that resell radio access lines, on a tax return provided by the department. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540. The tax imposed under this section is not subject to the state sales and use tax or any local tax.

(5) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax imposed by subsection (3) of this section, based on a systematic cost and revenue analysis, to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

RCW 82.14B.050

Use of proceeds.

The proceeds of any tax collected under this chapter shall be used by the county only for the emergency services communication system.

RCW 82.14B.020

Definitions.

As used in this chapter:

(1) "Emergency services communication system" means a multicounty, countywide, or districtwide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(2) "Enhanced 911 telephone system" means a public telephone system consisting of a network, database, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.

(3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.

(4) "Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

(5) "Radio access line" means the telephone number assigned to or used by a subscriber for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.

(6) "Radio communications service company" has the meaning ascribed to it in RCW 80.04.010, except that it does not include radio paging providers. It does include those persons or entities that provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), and both facilities-based and nonfacilities-based resellers.

(7) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.

(8) "Subscriber" means the retail purchaser of telephone service as telephone service is defined in RCW 82.16.010.

(9) "Place of primary use" has the meaning ascribed to it in RCW 82.04.065.

iii

WAC 118-66-050

Agency filings affecting this section

Eligible expenses.

Enhanced 9-1-1 communications systems are comprised of multiple components. Subject to available funds, expenses for implementation, operation, and maintenance costs of these components may be eligible for reimbursement if incurred by eligible entities. The components listed below may be eligible for reimbursement to eligible entities from the enhanced 9-1-1 account based on a reasonable prioritization by the state E9-1-1 coordinator with the advice and assistance of the enhanced 9-1-1 advisory committee and in accordance with the purposes and priorities established by statute and regulation, including WAC 118-66-020.

(1) Expenses for the following wireline components may be eligible for reimbursement from the enhanced 9-1-1 account from funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)):

(a) Statewide dialing items:

(i) Switching office enabling;

(ii) Automatic number identification (ANI);

(iii) 9-1-1 voice network (B.01/P.01 grade of service level required);

(iv) Traffic studies between switching offices and the selective router;

(v) MSAG coordination and maintenance;

(vi) ALI/DMS service;

(vii) Reverse ALI search capability;

(b) Basic service items:

(i) Route diversity between switching offices and selective router;

(2) Expenses for the following wireless components may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)):

(a) Wireless Phase I E9-1-1 service components:

(i) Phase I automatic location identification (ALI);

(ii) Phase I address;

(iii) Service control point Phase I capabilities;

(iv) Phase I ALI data base;

(v) Phase I MSAG coordination;

(vi) Phase I interface to selective router;

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- (vii) Phase I interface to ALI data base;
 - (viii) Phase I testing;
 - (ix) Phase I implementation plans;
 - (x) Phase I implementation agreements;
 - (xi) Pseudo-ANI (P-ANI);
 - (xii) Phase I 9-1-1 voice network;
 - (xiii) MSC Phase I software capabilities;
 - (xiv) Traffic studies between the MSC and selective router;
 - (xv) Phase I ALI data circuits;
 - (b) Wireless E9-1-1 Phase II service components (including all Phase I components):
 - (i) PSAP mapping;
 - (ii) Phase II CAD system upgrades;
 - (iii) Location determination technology;
 - (iv) Phase II implementation plan;
 - (v) Phase II testing;
 - (vi) MSC Phase II software capabilities;
 - (vii) Service control point Phase II capabilities; and
 - (viii) Mobile positioning center.
 - (3) Expenses for the following components are shared with wireline and wireless enhanced 9-1-1 services and may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)) and from enhanced 9-1-1 account funds generated under the statewide wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)):
 - (a) Statewide dialing items:
 - (i) Selective routing;
 - (ii) Automatic location identification (ALI) data base;
 - (iii) Traffic studies between selective router and PSAP;
 - (iv) ANI/ALI controllers and necessary interfaces to send data to other PSAP equipment;
 - (v) ANI/ALI display equipment for primary PSAPs;
 - (vi) That portion of a telephone system compatible with enhanced 9-1-1 that is used to answer 9-1-1 calls;
 - (vii) TTY required for compliance with the American Disabilities Act (ADA);
 - (viii) County 9-1-1 coordinator duties;
 - (b) Basic service items:
 - (i) Call detail recorder and/or printer;
 - (ii) E9-1-1 mapping administration;
 - (iii) Mapping display for call answering positions that are ANI/ALI equipped.
 - (iv) Instant call check equipment (one per 9-1-1 call answering position);
 - (v) Uninterruptible power supply (UPS) for PSAP enhanced 9-1-1 equipment;
 - (vi) 9-1-1 management information system;
 - (vii) Headsets for 9-1-1 call takers;
 - (viii) 9-1-1 call receiver salaries and benefits;
 - (ix) Language line service;
 - (x) Call receiver training;
 - (xi) Enhanced 9-1-1 document retention and destruction;
 - (xii) 9-1-1 coordinator electronic mail;
 - (xiii) Route diversity between selective router and PSAP;
 - (xiv) Alternate routing and/or night service;
 - (c) Capital:
 - (i) Auxiliary generator to support 9-1-1 emergency telephone service for backup;
 - (ii) Logging recorder for 9-1-1 call;
 - (iii) Computer aided dispatch (CAD) system hardware and software; and
 - (iv) Clock synchronizer.

iv

RCW 38.52.540

Enhanced 911 account.

(1) The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise taxes imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to support the statewide coordination and management of the enhanced 911 system, for the implementation of wireless enhanced 911 statewide, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies.

(2) Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(3) shall not be distributed to any county that has not imposed the maximum county enhanced 911 tax allowed under RCW 82.14B.030(1). Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(4) shall not be distributed to any county that has not imposed the maximum county enhanced 911 tax allowed under RCW 82.14B.030(2).

(3) The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

(4) During the 2001-2003 fiscal biennium, the legislature may transfer from the enhanced 911 account to the state general fund such amounts as reflect the excess fund balance of the account.

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RCW 38.52.510

Statewide enhanced 911 service — Funding by counties.

By December 31, 1998, each county, singly or in combination with adjacent counties, shall implement district-wide, county-wide, or multicounty-wide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The state enhanced 911 coordination office established by RCW 38.52.520 shall assist and facilitate enhanced 911 implementation throughout the state.